

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 634
OFFERED BY MR. BRADY OF PENNSYLVANIA

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; FINDINGS.

2 This Act may be cited as the “EAC Reauthorization
3 Act of 2017”.

4 SEC. 2. REAUTHORIZATION OF ELECTION ASSISTANCE
5 COMMISSION.

6 Section 210 of the Help America Vote Act of 2002
7 (52 U.S.C. 20930) is amended by striking “for each of
8 the fiscal years 2003 through 2005” and inserting “for
9 each of the fiscal years 2017 through 2022”.

10 SEC. 3. ASSISTANCE TO STATES FOR SECURITY UPGRADES
11 TO VOTER REGISTRATION LISTS AND PROC-
12 ESSES.

13 (a) AUTHORIZATION OF FUNDING.—Section 257(a)
14 of the Help America Vote Act of 2002 (52 U.S.C.
15 21007(a)) is amended by adding at the end the following
16 new paragraph:

17 “(5) For fiscal year 2018, such sums as may be
18 necessary for such payments, except that a State

1 may use a requirements payment made with funds
2 authorized under this paragraph solely to upgrade
3 the security of the State’s voter registration lists and
4 voter registration processes and to carry out other
5 activities necessary to meet the requirements of sec-
6 tion 303(a)(3) (relating to the technological security
7 of the State’s computerized voter registration list).”.

8 (b) WAIVER OF 5 PERCENT MATCH REQUIRE-
9 MENT.—Section 253(b)(5) of such Act (52 U.S.C.
10 21003(b)(5)) is amended—

11 (1) in subparagraph (A), by striking “subpara-
12 graph (B)” and inserting “subparagraphs (B) and
13 (C)”; and

14 (2) by adding at the end the following new sub-
15 paragraph:

16 “(C) Subparagraph (A) shall not apply for pur-
17 poses of determining the eligibility of a State to re-
18 ceive a requirements payment appropriated pursuant
19 to the authorization provided under section
20 257(a)(5) of this title for fiscal year 2018.”.

21 **SEC. 4. ASSESSMENT OF ADEQUACY OF VOTING SYSTEMS**
22 **AND MACHINES.**

23 (a) ASSESSMENT.—In consultation with the election
24 officials of each State, the Election Assistance Commission
25 shall carry out an assessment of whether the voting sys-

1 tems, including the voting machines, available for use in
2 the elections for Federal office to be held in 2018 are ade-
3 quate to meet the demands of such elections.

4 (b) PLAN FOR REPLACEMENT OF OUTDATED AND
5 INADEQUATE MACHINES.—Not later than December 31,
6 2017, the Commission shall submit to Congress and the
7 States a report on the assessment carried out under sub-
8 section (a), and shall include in the report a plan for re-
9 placing voting machines which the Commission deter-
10 mines, on the basis of such assessment, are outdated or
11 otherwise not capable of meeting the demands of the elec-
12 tions for Federal office to be held in 2018.

13 (c) DEFINITION.—In this section, the term “State”
14 has the meaning given such term in section 901 of the
15 Help America Vote Act of 2002 (52 U.S.C. 21141).

16 **SEC. 5. REQUIRING STATES TO PARTICIPATE IN POST-GEN-**
17 **ERAL ELECTION SURVEYS.**

18 (a) REQUIREMENT.—Title III of the Help America
19 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended
20 by inserting after section 303 the following new section:

21 **“SEC. 303A. REQUIRING PARTICIPATION IN POST-GENERAL**
22 **ELECTION SURVEYS.**

23 “(a) REQUIREMENT.—Each State shall furnish to the
24 Commission such information as the Commission may re-
25 quest for purposes of conducting any post-election survey

1 of the States with respect to the administration of a regu-
2 larly scheduled general election for Federal office.

3 “(b) EFFECTIVE DATE.—This section shall apply
4 with respect to the regularly scheduled general election for
5 Federal office held in November 2018 and any succeeding
6 election.”.

7 (b) CONFORMING AMENDMENT RELATING TO EN-
8 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
9 is amended by striking “and 303” and inserting “303, and
10 303A”.

11 (c) CLERICAL AMENDMENT.—The table of contents
12 of such Act is amended by inserting after the item relating
13 to section 303 the following new item:

“Sec. 303A. Requiring participation in post-general election surveys.”.

14 **SEC. 6. RECOMMENDATIONS TO IMPROVE OPERATIONS OF**
15 **ELECTION ASSISTANCE COMMISSION.**

16 (a) ASSESSMENT OF INFORMATION TECHNOLOGY
17 AND CYBERSECURITY.—Not later than December 31,
18 2017, the Election Assistance Commission shall carry out
19 an assessment of the security and effectiveness of the
20 Commission’s information technology systems, including
21 the cybersecurity of such systems.

22 (b) IMPROVEMENTS TO ADMINISTRATIVE COMPLAINT
23 PROCEDURES.—

24 (1) REVIEW OF PROCEDURES.—The Election
25 Assistance Commission shall carry out a review of

1 the effectiveness and efficiency of the State-based
2 administrative complaint procedures established and
3 maintained under section 402 of the Help America
4 Vote Act of 2002 (52 U.S.C. 21112) for the inves-
5 tigation and resolution of allegations of violations of
6 title III of such Act.

7 (2) RECOMMENDATIONS TO STREAMLINE PRO-
8 CEDURES.—Not later than December 31, 2017, the
9 Commission shall submit to Congress a report on
10 the review carried out under paragraph (1), and
11 shall include in the report such recommendations as
12 the Commission considers appropriate to streamline
13 and improve the procedures which are the subject of
14 the review.

Amend the title so as to read: “A bill to amend the Help America Vote Act of 2002 to reauthorize and improve the operation of the Election Assistance Commission, to provide funds to States to make security upgrades to voter registration lists and processes, and for other purposes.”.

